

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

FOR THE WESTERN DIVISION

VIVIAN BERT, et al., : CASE NO. 1:02CV00467

Plaintiffs, : Judge Beckwith

v. :

AK STEEL CORPORATION, :

Defendant. :

Deposition of RODERIQUE RUSSELL, taken on
Wednesday, June 6, 2007, commencing at 12:15 p.m.,
at the offices of Taft, Stettinius & Hollister LLP,
425 Walnut Street, Suite 1800, Cincinnati, Ohio,
before Susan M. Barhorst, Notary Public.

AROUND-THE-CLOCK REPORTING SERVICES
P. O. BOX 11008
CINCINNATI, OHIO 45211
513-481-5200

1 APPEARANCES:

2 On behalf of Plaintiffs:

3 Susan Donahue, Esq.
4 Wiggins, Childs, Quinn & Pantazis, PC
5 The Kress Building
6 301 19th Street North
7 Birmingham, Alabama 35203

6 On behalf of Defendant AK Steel Corporation:

7 Patricia A. Pryor, Esq.
8 Taft, Stettinius & Hollister LLP
9 425 Walnut Street, Suite 1800
10 Cincinnati, Ohio 45202-3957

9 Cross-Examination

10 by Ms. Pryor 3

11 * * *

12
13 RUSSELL DEPOSITION EXHIBITS MARKED/IDENTIFIED

14 1 27

15 2 37

16 3 43

17 4 56

18 5 64

19 6 84

20

21

22

23

24

1 RODERIQUE D. RUSSELL

2 being first duly sworn, testified as follows:

3 CROSS-EXAMINATION

4 BY MS. PRYOR:

5 Q. Mr. Russell, my name's Patty Pryor and
6 I represent AK Steel Corporation in the lawsuit
7 that you've filed against them.

8 A. Okay.

9 Q. Could you state your full name for the
10 record?

11 A. Roderique Dean Russell.

12 Q. And have you ever been involved in
13 litigation before?

14 A. No.

15 Q. You ever testified under oath before?

16 A. No.

17 Q. Let me give you just a few ground
18 rules that I give to everyone --

19 A. Yeah, sure.

20 Q. -- to help the process. If you don't
21 hear a question I ask, please ask me to repeat it.

22 A. Okay.

23 Q. If you don't understand a question
24 I've asked, please ask me to clarify or tell me

1 that you don't understand it, so that I --
2 otherwise I'm going to assume that you're answering
3 what I think I'm asking.

4 A. Okay.

5 Q. It's important to have verbal
6 responses. No shaking of the heads, because the
7 court reporter has trouble taking it down --

8 A. Right.

9 Q. -- and recording it. Same thing with
10 "ah-huh's" and "na-huh's." The "yes" and "no's"
11 are preferable and we'll probably hit you if you do
12 it any other way.

13 If you need to take a break at
14 anytime, just let me know. We can do that.

15 A. Okay.

16 Q. Okay. Is there any reason that you're
17 not able to testify today?

18 A. No.

19 Q. Do you have any medical condition that
20 would prevent you from testifying today?

21 A. No.

22 Q. Did you take any medication or alcohol
23 today?

24 A. No.

1 Q. Do you normally take medication?

2 A. No.

3 Q. Have you ever filed for bankruptcy?

4 A. No.

5 Q. Have you ever been convicted of a
6 crime?

7 A. No.

8 Q. What's your current address?

9 A. 612 Fourteenth Avenue, Middletown,
10 Ohio.

11 Q. And how long have you lived there?

12 A. All together?

13 Q. Yes.

14 A. 30 years.

15 Q. Was there a period of time during that
16 30 years that you did not live there?

17 A. Yes.

18 Q. Okay. When was that?

19 A. Approximately 2000 to 2004.

20 Q. And where did you live during that
21 time?

22 A. On Lopane Avenue. It was in
23 Middletown.

24 Q. Lopane Avenue?

1 A. Yes.

2 Q. And why the switch in addresses at
3 that time?

4 A. Well, we financed the house and sold
5 it.

6 Q. Okay. And then did you buy it back?

7 A. No, actually it was fraud. It was --
8 the financial company was in fraud, so it went into
9 foreclosure --

10 Q. Okay.

11 A. -- because of that.

12 Q. And which house we talking about, the
13 one on Fourteenth Avenue?

14 A. Lopane.

15 Q. Lopane?

16 A. Mm-hmm.

17 Q. So the house on Lopane went into
18 foreclosure --

19 A. Yes.

20 Q. -- and then you moved back to the --
21 is that a house on Fourteenth Avenue?

22 A. Yes.

23 Q. Did you still own that throughout that
24 period? Do you own the house?

1 A. Fourteenth?

2 Q. Mm-hmm.

3 A. No, my mother owns the house actually,
4 yes.

5 Q. Okay. And does your mother live with
6 you there?

7 A. Yes.

8 Q. And explain the -- you bought the
9 house on Lopane Avenue?

10 A. Yes.

11 Q. And the finance company --

12 A. Mm-hmm.

13 Q. -- had a fraud? Explain it. Which
14 finance company?

15 A. It was Cornerstone Mediation and
16 Finance Company. We went through the proper
17 paperwork and -- you know, the three-month period
18 where you don't have to -- there's no penalties,
19 you don't have to start paying it, I'm -- I'm
20 waiting during the three months and they said,
21 well, we're still having issues with making a deal,
22 blah, blah, blah.

23 And I'd say four and a half months
24 into that, I'm going to work and there's a guy in

1 my driveway taking pictures. I say, hey, man, what
2 are you doing? He said, oh, this house is up for
3 foreclosure. And -- and they had apparently -- I
4 got a letter. They had apparently frauded some
5 other people. So we're going through that or
6 something.

7 Q. Okay. So that was of no fault of your
8 own?

9 A. Right.

10 Q. Okay.

11 A. I got a letter saying it was -- it was
12 on them.

13 Q. Okay. Have you filed any action
14 against them?

15 A. Recently, yes.

16 Q. And what action is that?

17 A. Just a questionnaire on what happened.

18 Q. Where did you send that questionnaire
19 to?

20 A. The FBI.

21 Q. And you said that was from 2000 to
22 2004 you lived on Lopane?

23 A. Yes.

24 Q. Did you ever have the phone number of

1 422-7544?

2 A. Yes.

3 Q. Was that at Lopane?

4 A. Yes.

5 Q. And your cell phone number of
6 267-2873?

7 A. No.

8 Q. Have you ever had that number?

9 A. No.

10 Q. What is your cell phone number?

11 A. 571-3941.

12 Q. Have you ever had any other cell phone
13 number?

14 A. Yes.

15 Q. Do you remember what that number was?

16 A. It was the 267 -- 267 -- it was 73 at
17 the end.

18 Q. It was 73 at the end?

19 A. Yeah.

20 Q. Could it have been 28 before that?

21 A. I don't believe so. I don't know. It
22 was from -- it was a work phone.

23 Q. Okay. And what work was that phone?

24 A. Youth Opportunities Program, Malachi

1 was the parent group.

2 Q. Are you married?

3 A. Yes.

4 Q. How long have you been married?

5 A. Seven years.

6 Q. What's your wife's name?

7 A. Teresa.

8 Q. Have you had any previous marriages?

9 A. No.

10 Q. I think you mentioned to me before and
11 during your private conversation outside of counsel
12 that you have two children?

13 A. Yes.

14 Q. Are those the only children you have?

15 A. Yes.

16 Q. What's your educational background?

17 A. Kentucky State -- bachelor's from
18 Kentucky State University in education and math.

19 Q. And when did you receive that degree?

20 A. Fall of '94.

21 Q. Do you have any other degrees, courses
22 or training?

23 A. No.

24 Q. Where did you go to high school?

1 A. Middletown High School.

2 Q. Are you certified to teach in Ohio?

3 A. Yes.

4 Q. What are you certified to teach?

5 A. Math and Science, K through eight.

6 Q. And when did you get that

7 certification?

8 A. Approximately four and a half years --

9 Q. Okay.

10 A. -- because I'm up for renewal.

11 Q. Four and a half years ago you got

12 certified?

13 A. Yes.

14 Q. That would be roughly 2002, 2003?

15 A. It's up for renewal at the end of this
16 year, so I would say maybe four, three or four.

17 Q. I'm sorry, what?

18 A. Because it will continue into next
19 year.

20 Q. Okay.

21 A. So I'd say around 2003, 2004.

22 Q. 2003, 2004? And that was the first
23 time you were certified to teach?

24 A. No.

1 Q. When was the first time you were
2 certified to teach?

3 A. '96, but it was a long-term sub --

4 Q. Okay.

5 A. -- long-term sub license.

6 Q. And how long did you hold that license
7 or certification?

8 A. Five years.

9 Q. What do you have to do to get
10 certified to teach -- I guess what's the difference
11 between the two certifications?

12 A. Long-term sub is you're in the process
13 of getting your certificate renewed or it may be
14 anything, degree, semester hours or the practice
15 tests. Certified is you have passed the -- all
16 three parts of the practice tests.

17 Q. What were you still needing to do?

18 A. I have to retake my practice two,
19 which is a eighth grade math, and then classroom
20 application. Situations, as far as like behavior
21 or teaching methods or behavior type problems or
22 academic problems.

23 Q. You completed that by the fall of '94?

24 A. Will I?

1 Q. Did you -- have you completed that or
2 you have -- you still need to do that?

3 A. Oh, I still need to do part two --

4 Q. Okay.

5 A. -- because I came under certification,
6 but it has now changed to licensure.

7 Q. Okay.

8 A. And the first five years of -- if you
9 work within the system, you automatically complete
10 enough CEU units, which is Certified Education
11 Units, to renew it. I did not work in teaching
12 right away --

13 Q. Okay.

14 A. -- so I didn't get enough credits, so
15 the certification expired. So then I got the long
16 term and now finishing up with the practice two.

17 So it expired once and now I have to
18 just get it again, once I went back into the school
19 system.

20 Q. Okay. Let me make sure I'm
21 understanding you.

22 A. Okay.

23 Q. I apologize. Was the long-term
24 substitute certification that you got in '96, was

1 that the first time you've been certified to teach
2 anything?

3 A. No.

4 Q. Okay. Part of that --

5 A. Oh --

6 Q. -- you --

7 A. -- yes. Yes, '96, yes.

8 Q. Okay. And that -- and then you still
9 needed to take this practice two --

10 A. Yes.

11 Q. -- in order to get certified to teach
12 math and science; is that correct?

13 A. To be -- to not have to worry about
14 renewing --

15 Q. Oh, okay.

16 A. -- or doing anything else --

17 Q. Okay.

18 A. -- yes. Long-term sub is only good
19 for five years --

20 Q. Okay.

21 A. -- and it's kind of -- very
22 particular.

23 Q. Okay. And what did you do -- I guess
24 what did you do to get your current certification

1 that allows you to teach math and science?

2 A. Oh, pass my practice one and my
3 degree.

4 Q. Okay. And then when you pass your
5 practice two, which sounds like you'll do next
6 year, so --

7 A. Saturday, June 9. This Saturday.

8 Q. No pressure. That will get you your
9 license --

10 A. Yes.

11 Q. -- and you don't need to renew after
12 that?

13 A. Yes.

14 Q. Okay. All right. Let's kind of go
15 through your employment history --

16 A. Yes.

17 Q. -- after you graduated. Did you --
18 first of all, did you go right to college after
19 high school?

20 A. Yes.

21 Q. Okay. After you graduated college,
22 what was your first job?

23 A. Substitute teaching.

24 Q. Okay. And who was that for?

1 A. Middletown City Schools.

2 Q. Is that Middletown Trot-Madison? Is
3 that the same?

4 A. No.

5 Q. No?

6 A. Middletown City Schools.

7 Q. Okay. And what did -- as a substitute
8 teacher, do you work -- do you get paid every day
9 or you only get paid when you work?

10 A. Yes. You get paid the days you work.

11 Q. Okay. How often did you work?

12 A. The average was twice a week.

13 Q. Okay. And how long did you have that
14 job?

15 A. With Middletown City Schools?

16 Q. Mm-hmm.

17 A. Two years.

18 Q. Did you start that job in '94?

19 A. Yes. It was after Christmas break.

20 Q. Okay. And why did you leave that
21 employment?

22 A. No positions open. Well, you really
23 never leave, so I registered with another district
24 and just tried to make a full week out of

1 Middletown and Trotwood City Schools.

2 Q. Okay. Were you working at Trotwood
3 City Schools at the same time as you were working
4 at Middletown?

5 A. Yes.

6 Q. Okay. Were you working at any other
7 schools during that same time?

8 A. During '94?

9 Q. Any time that you were working.

10 A. Princeton City Schools also.

11 Q. Okay. And did you start Princeton
12 City Schools right away in '94 or --

13 A. Princeton City Schools was around '98.

14 Q. Okay. Was that also a substitute
15 teacher role?

16 A. No.

17 Q. What was --

18 A. That was actually a full-time
19 position.

20 Q. Prior to working at Princeton City
21 Schools, you worked at Middletown City Schools as a
22 substitute and you worked at -- is it Trotwood?

23 A. Yeah, Trotwood-Madison.

24 Q. Trotwood-Madison City Schools as a

1 substitute?

2 A. Yes.

3 Q. Did you have any other jobs during
4 that time frame?

5 A. No.

6 Q. Okay. Were you asked to leave either
7 of those positions as a substitute teacher?

8 A. No.

9 Q. And then in '98, you started at
10 Princeton City Schools?

11 A. Yes.

12 Q. What was your position there?

13 A. SBH teacher.

14 Q. What does that mean?

15 A. Severe behavior, handicap -- you know,
16 from autism to bipolar and I was the teacher's
17 aide. We were -- it was kind of like
18 team-teaching. She had seniority, so she would
19 basically tell me what to do and what to help her
20 with.

21 Q. You said that was a full-time
22 position?

23 A. Yes.

24 Q. Now, how long did you work there?

1 A. The school year. That school year in
2 '98, '99.

3 Q. And why did you leave that employment?

4 A. Failed levy.

5 Q. Okay. Did you have any other
6 employment during that time when you were at
7 Princeton City Schools?

8 A. No, not that I can remember.

9 Q. What did you do after Princeton City
10 Schools?

11 A. Fraser Paper.

12 Q. What's that?

13 A. Paper mill in West Carrollton.

14 Q. What did you do there?

15 A. I was fourth-hand paper maker.

16 Q. Okay. What does that mean?

17 A. I was responsible to make sure the
18 rolls were the right size, shipped to the right
19 location, kind of the last person to check the
20 quality.

21 Q. Okay. How long did you work there?

22 A. Nine months.

23 Q. Nine months? And why did you leave
24 that position?

1 A. It closed, bankruptcy.

2 Q. Have you ever worked at a paper mill
3 before?

4 A. Oh, yes.

5 Q. When did you work for the paper mill
6 before?

7 A. The summers of -- when I was in
8 college at Sorg Paper in Middletown.

9 Q. What did you do at Sorg Paper?

10 A. Same thing, fourth hand.

11 Q. Did you ever work there other than in
12 summers?

13 A. No.

14 Q. How many years were you in college?

15 A. Four and a half.

16 Q. Did you work every summer at Sorg
17 Paper?

18 A. Every summer except for the last
19 summer. I tried to get the career going.

20 Q. So is that four summers that you
21 worked at Sorg?

22 A. Three.

23 Q. Three? Told you my math was bad.
24 Okay. All right.

1 What did you do after Fraser Paper?

2 A. That's when I went to Malachi --

3 Q. What's --

4 A. -- Youth Opportunities program.

5 Q. What is that?

6 A. It's a program designed for the
7 families -- where the children of families that are
8 below the poverty line. And we just give them
9 whatever opportunity they need to get ahead. If
10 they need -- if they dropped out of school, we
11 hooked them up with somebody, Life Skills or
12 something to get their GED. If they need
13 transportation, or we set that up, or child care or
14 clothes or anything.

15 Q. Where is that located at?

16 A. It's in Middletown, first --

17 Q. Is this just a local -- is it just a
18 Middletown organization?

19 A. It's Butler County.

20 Q. Butler County?

21 A. Yes. We service Butler County.

22 Q. Is it full time?

23 A. Yes, it was.

24 Q. How long did you work there?

1 A. I believe close to four years.

2 Q. When did you leave there, do you know?

3 A. 2000, '99, 2000.

4 Q. In '99 or 2000 you left there?

5 A. No. Take that back. I been
6 working -- around 2000, 2001.

7 Q. 2000, 2001? Okay. Why did you leave?

8 A. I got a job in Trotwood teaching sixth
9 grade.

10 Q. After you left Princeton City Schools,
11 were you continuing to apply for a teaching
12 position?

13 A. No.

14 Q. Why not?

15 A. Because I had lived on sub pay for
16 three years and just, as a man, it just wasn't
17 enough money. So I thought Fraser was going to be
18 my retirement job because -- you know, there, I
19 was -- was making decent money.

20 Q. Okay.

21 A. And my certificate at the time had
22 just ran out, so I didn't want to go through all
23 that headache at the time again.

24 Q. When did you decide to go back to

1 teaching?

2 A. I -- after Fraser had closed down, I
3 was at Malachi. I did a lot more tutoring there
4 than case work and they had a position open and the
5 guy offered it to me and that was it.

6 Q. Okay. And you said you went to
7 Trotwood? After Malachi, you went to Trotwood?

8 A. Yeah, it was in the City of Trotwood,
9 but the school was actually Horizon Science
10 Academy.

11 Q. Okay.

12 A. I mean, not Horizon. Trotwood Prep
13 and Fitness.

14 Q. Okay. What was your position there?

15 A. Sixth grade --

16 Q. Sixth grade?

17 A. -- teacher.

18 Q. And was that the school year starting
19 2001 or 2002? When did you start there?

20 A. 2000, 2001.

21 Q. The school year that covered 2000,
22 2001 or you started in one of those years?

23 A. The school year started in, what,
24 September?

1 Q. Yeah. Was it September 2000 or
2 September 2001?

3 A. September 2000.

4 Q. Okay. What was your pay there?

5 A. 28,5.

6 Q. Did you have benefits?

7 A. Yes.

8 Q. What kind of benefits did you have?

9 A. Health and dental.

10 Q. Did you pay for those?

11 A. Yes.

12 Q. How much did you pay for them?

13 A. Oh, I don't know.

14 Q. Did you have other benefits, life
15 insurance, retirement?

16 A. Yeah, retirement through state
17 teacher's.

18 Q. Were you unionized there?

19 A. No.

20 Q. No?

21 A. I don't believe so.

22 Q. Okay. Did you leave there at some
23 point?

24 A. Yes, this year -- or last year, last

1 school year.

2 Q. 2006?

3 A. Yeah.

4 Q. Okay. Why did you leave?

5 A. Another teaching opportunity or better
6 opportunity at the place I'm teaching at now.

7 Q. And what is that?

8 A. Horizon Science Academy.

9 Q. Where is that located?

10 A. It's Dayton, Siebenthaler.

11 Q. What's your position there?

12 A. I'm the eighth grade math teacher, but
13 I'm the grade chair in the math department, chair.

14 Q. What does that mean?

15 A. Grade chair, we try to organize our
16 lesson plans, as far as science, and make sure
17 everybody is on the same page. And math chair is
18 to kind of help with the curriculum of the math in
19 the school.

20 Q. Okay. And what's your pay there?

21 A. 32,5.

22 Q. That's for the year, right?

23 A. (Witness nodded.)

24 Q. Do you have benefits?

1 A. Yes.

2 Q. What are your benefits?

3 A. Medical and dental.

4 Q. And do you know how much you pay for
5 that?

6 A. Yes, I do.

7 Q. How much do you pay for that?

8 A. \$320 for medical.

9 Q. Is that a month, a paycheck or what?

10 A. A month, and approximately \$70 for
11 dental.

12 Q. A month?

13 A. Yes.

14 Q. And you also -- do you have the
15 retirement still through the state?

16 A. Yes.

17 Q. That's a full-time position?

18 A. Yes.

19 Q. Are you off summers?

20 A. Yes.

21 Q. Were you off summers at Trotwood?

22 A. Yes.

23 Q. Did you do anything during the summer
24 work-wise?

1 A. No.

2 Q. Have you worked anywhere else?

3 A. No. Other than the schools? Temp --
4 temporary at Miller Brewery.

5 Q. And when did you do that?

6 A. I think it might have been the
7 summer -- it was between Fraser and Malachi.

8 Q. Okay. And did you just work there for
9 a summer?

10 A. Was it six months? They had a little
11 six-month temporary --

12 Q. Did you actually work for Miller
13 Brewery or did you work for a temporary service?

14 A. Miller Brewery.

15 Q. What did you do there?

16 A. Distribution.

17 Q. And why did you leave there?

18 A. It was just six months and that was
19 it.

20 Q. Anywhere else that you've worked?

21 A. No.

22 Q. You've been handed what's been marked
23 as Exhibit 1. Is this a copy of your application
24 to AK Steel?

1 A. Yes.

2 Q. You applied in -- looks like July
3 21st, 2000?

4 A. Yes.

5 Q. Have you applied at any other time to
6 AK Steel?

7 A. Yes.

8 Q. When was that?

9 A. From 1989 to 2000.

10 Q. And those dates are marked on this
11 application on the first page?

12 A. Which is this, summer?

13 Q. The summer '90, '91, '92; December '94
14 and October '99?

15 A. Those are correct, yes.

16 Q. That's correct? Did you apply in the
17 summer of '91 and the summer of '92 as well? Does
18 that --

19 A. Yes, yes.

20 Q. "The summer" refers to '90, '91
21 into --

22 A. Yes.

23 Q. Was that when you were still in
24 school?

1 A. Yes.

2 Q. Did you ever hear back from any of
3 those applications?

4 A. This one.

5 Q. Just this one, the July 21st one?

6 A. Yes.

7 Q. Those are the only times you've
8 applied, correct?

9 A. Yes.

10 Q. Is everything on Exhibit 1 your
11 handwriting?

12 A. Everything except for "Tracy," "Tracy"
13 somebody down there.

14 Q. The signature, "Tracy White"?

15 A. Yes.

16 Q. Okay. The date that's written there,
17 is that your handwriting?

18 A. The 21st, yes.

19 Q. On the second page, you indicate that
20 you went to Miami University Middletown for awhile?

21 A. Yes, for a class I had to take for
22 teaching advanced math and science.

23 Q. Okay. Was that before or after you
24 went to Kentucky State University?

1 A. It was after.

2 Q. It was just one class?

3 A. Yes.

4 Q. Okay. When did you submit this
5 application, Exhibit Number 1?

6 A. It used to be a job share, actually
7 next door to Malachi, where we started, in the
8 shopping plaza on University in Middletown.

9 Q. It was a job -- what did you call it,
10 a job --

11 A. Job center.

12 Q. Is that the bureau --

13 A. Next to Dillman's Foods.

14 Q. Bureau of employment services job
15 center?

16 A. Yes.

17 Q. Did you speak to anyone when you
18 submitted your application?

19 A. Just the receptionist, to ask where
20 are the applications and that's it.

21 Q. She gave you an application?

22 A. Mm-hmm.

23 Q. Did you fill it out?

24 A. Yes.

1 Q. Did you fill it out there or did you
2 take it home?

3 A. Filled it out there.

4 Q. Did you then submit it back to her?

5 A. Yes.

6 Q. Did you talk to her at that point?

7 A. No.

8 Q. Was the application process hostile at
9 all?

10 A. No.

11 Q. You did not physically go to AK Steel
12 to submit your application?

13 A. No.

14 Q. On any of the other times that you
15 applied, did you ever go to AK Steel to submit your
16 application?

17 A. No.

18 Q. Did you always apply at this center?

19 A. It was always -- well, no. That
20 was -- this was kind of -- this center was new that
21 year.

22 Q. Okay.

23 A. It was always go down to Fairfield or
24 a relative or somebody would bring applications and

1 that would be it.

2 Q. You said "a relative." Did you submit
3 applications to a relative at some point?

4 A. Grandfather, he had retired from
5 there.

6 Q. Okay.

7 A. And they sent him like a thing -- you
8 know, is anybody interested? So that gave us
9 the -- like a flyer that they were hiring, so we
10 would go find one. A cousin would inform me,
11 but -- you know, it's only been twice that somebody
12 brought applications to fill out.

13 Q. Okay. That was --

14 A. It was more or less like a flyer to
15 go -- this is where you need to go to fill out an
16 application for AK Steel.

17 Q. And these were all prior to 2000?

18 A. Yes.

19 Q. And who's your grandfather?

20 A. Arthur Kyles.

21 Q. How do you spell his last name?

22 A. K-Y-L-E-S.

23 Q. Do you know, are there any other
24 relatives that work at AK Steel?

1 A. Yes.

2 Q. Who are they?

3 A. Clarence Russell.

4 Q. Who is he?

5 A. A uncle.

6 Q. Who else?

7 A. Melvin Russell.

8 Q. Who is he?

9 A. Cousin.

10 Q. Anyone else?

11 A. I believe on both sides of my family,
12 they have worked there. They haven't retired
13 there, but they have worked there. My father, Doug
14 Russell, and for -- that's all I can recall for
15 sure.

16 Q. How long did your father work there?

17 A. His story was four months.

18 Q. Four months? When was that?

19 A. Oh, that -- whenever he graduated from
20 high school.

21 Q. Was it right out of high school?

22 A. Yeah.

23 Q. Was it Armco then?

24 A. Yes, probably so, yes.

1 Q. And why did he stop working there?

2 A. He went to college.

3 Q. What about your grandfather, did he
4 work for Armco or AK Steel?

5 A. Armco.

6 Q. And what about Clarence Russell?

7 A. Both.

8 Q. Both? Is he still there?

9 A. No, he's retired.

10 Q. Do you know when he retired?

11 A. No, I don't.

12 Q. What about Melvin Russell?

13 A. Both.

14 Q. Is he still there?

15 A. He's still there.

16 Q. Did you hear back from AK Steel on
17 your July 21st, 2000 application?

18 A. Yes.

19 Q. What happened?

20 A. I was told to come, take a test or the
21 next step was to take the test for employment.

22 Q. Did you come in and take that test?

23 A. Yes.

24 Q. Did you pass that test?

1 A. I don't know. We were told that they
2 don't grade them. They send them to Knoxville and
3 they call us back if we meet their criteria. But
4 we -- we don't know if they -- if we passed or not.

5 Q. Okay. So did you receive a call back
6 that you met the required material?

7 A. Yes.

8 Q. Who called you back?

9 A. I can't remember.

10 Q. What did they say?

11 A. We scheduled a interview.

12 Q. Okay. Did you come in for an
13 interview?

14 A. Yes.

15 Q. And who was that interview with?

16 A. At the time, I don't know if it was a
17 human resource on --

18 Q. Was it female?

19 A. Yes.

20 Q. Was anyone else present?

21 A. No.

22 Q. Okay. And how did that interview go?

23 A. I thought it went pretty well.

24 Q. How did she -- did she say anything to

1 you?

2 A. Yes. Happy you came in and we'll call
3 you for your second interview.

4 Q. Okay. Was your interview roughly
5 December 29th, 2000?

6 A. Oh, I don't know.

7 Q. You don't know one way or the other?

8 A. No.

9 Q. Okay. Did you ever hear back from
10 them?

11 A. No.

12 Q. Do you know whether AK Steel went into
13 a hiring freeze?

14 A. No, I don't.

15 Q. Did you admit during the interview
16 that you smoked marijuana at some point in the
17 past?

18 A. I don't think she asked me that
19 question.

20 Q. Have you smoked marijuana in the past?

21 A. Yes.

22 Q. Would you have admitted that if you
23 were asked that question?

24 A. At the place?

1 Q. Interview, yes.

2 A. Yeah, I would admit that.

3 Q. Okay. But you don't recall that being
4 asked?

5 A. No.

6 Q. Who is Elmon Prier?

7 A. He's one of the ministers at my church
8 and I work with him in the school system.

9 Q. Do you know, is he related to Vivian
10 Bert?

11 A. No, I don't.

12 Q. If he's related to Shawn Pryor?

13 A. No, I don't.

14 Q. Okay. What about Frank Latimer, who
15 is that?

16 A. Family friend, good friend.

17 Q. And what about Greg Tyus?

18 A. Church pastor.

19 Q. Have any of these individuals worked
20 at AK Steel before, to your knowledge?

21 A. No, not to my knowledge.

22 Q. You've been handed what's been marked
23 as Exhibit 2. Did you complete this document in
24 connection with your application to AK Steel in

1 July of 2000?

2 A. Yes.

3 Q. And it's your handwriting on this
4 document?

5 A. Yes.

6 Q. When were you without employment for
7 more than six weeks?

8 A. More than six weeks?

9 Q. Mm-hmm.

10 A. I don't know if it was more than six
11 weeks, but it was the period right after Fraser.

12 Q. You list on here Sorg Paper and you
13 list two years. You're referring to the three
14 summers that you worked?

15 A. Yes.

16 Q. Those weren't full years; those were
17 just summers, correct?

18 A. Yes.

19 Q. And Fraser Paper, how long did you
20 work at Fraser? You told me roughly nine months.

21 A. Mm-hmm.

22 Q. Here you got a year and a half. Which
23 one is correct?

24 A. Possibly between those -- trying to

1 think when I started because I received
2 unemployment from them. I would -- closer to a
3 year, but I wouldn't say -- not a year and a half,
4 maybe couple months 'cause it was -- I saw the new
5 year at the place and that was about it.

6 Q. Okay.

7 A. It was shortly after that it closed.

8 Q. Response to question number 10 asks,
9 How many years of assembly, heavy machinery and
10 manufacturing experience you have? You list six?

11 A. Yes.

12 Q. Where were those years at?

13 A. A-Tech Metal, Sorg, Fraser and Miller
14 Brewery.

15 Q. And A-Tech Metal, when did you work
16 there?

17 A. Those were high school years.

18 Q. Did you work there during high school
19 or just in the summers?

20 A. Summers over high school, yes.

21 Q. How many summers?

22 A. All four.

23 Q. Okay. So I've got seven summers
24 between A-Tech Metal and Sorg. You've got -- which

1 is roughly about two years. At Miller Brewery, you
2 said about six months?

3 A. Mm-hmm.

4 Q. And Fraser was about a year. Does
5 that add up to six?

6 A. What, A-Tech was four.

7 Q. Four summers, which is three months?

8 A. Well, when I -- yeah, when I say --

9 Q. You're counting it as the year?

10 A. -- "summers" -- yeah, the whole year.
11 That's what I was -- when I put it down.

12 Q. Okay.

13 A. Yeah, total actual working, maybe
14 probably around six.

15 Q. Okay. Did you keep copies of any of
16 your applications to AK Steel?

17 A. Somewhere along the line, I believe I
18 might have kept a copy of this one, but I --

19 Q. Exhibit 1?

20 A. Yes.

21 Q. Do you know where that is today?

22 A. No, I don't.

23 Q. Have you looked for it since you filed
24 this lawsuit?

1 A. No.

2 Q. You testified that you took a test at
3 AK Steel?

4 A. Mm-hmm.

5 Q. Do you know when you took that test?

6 A. No.

7 Q. Do you have any reason to doubt that
8 it would have been September 2000?

9 A. Doubt that it would be?

10 Q. Yeah.

11 A. It might have happened sooner.

12 Q. Okay.

13 A. It was after the application.

14 Q. After the application?

15 A. Surprised I didn't celebrate it.

16 Q. So the end of the first interview, you
17 were told that the next step would be the second
18 interview?

19 A. Yes.

20 Q. And you never heard back about that
21 second interview?

22 A. No.

23 Q. Do you know whether AK Steel hired or
24 interviewed anyone after December 29th, 2000?

1 A. Yes.

2 Q. Who do you know?

3 A. They hired the guy down the street
4 from me. I don't know his name, but he's probably
5 been working there three years.

6 Q. So when -- approximately when would he
7 have been hired then, 2003?

8 A. He's had, oh, maybe longer than that.
9 He had two years in when the strike happened.

10 Q. Okay.

11 A. That was this year.

12 Q. So it 2004?

13 A. Three, three to four years, maybe.

14 Q. Do you know anyone who was hired in
15 2000? 2001, I mean.

16 A. No.

17 Q. Okay. Isn't it true that Jessica
18 Hicks tried to call you later to follow-up with you
19 on the application process?

20 A. No.

21 Q. You never received a phone call from
22 her?

23 A. Na-huh.

24 Q. You never set up an interview with

1 her?

2 A. The second interview?

3 Q. Mm-hmm.

4 A. No.

5 Q. Did you receive a letter from her?

6 A. No.

7 Q. You've been handed what's been marked
8 as Exhibit 3. Did you ever receive this letter?

9 A. No, I don't remember receiving this
10 letter.

11 Q. Is that your address?

12 A. At the time, yes. I might have been
13 moving then.

14 Q. I thought you -- when did you move?

15 A. To Lopane?

16 Q. I thought it was 2004.

17 A. I don't remember getting a letter from
18 her.

19 Q. Do you deny that you called her back?

20 A. Huh?

21 Q. Do you deny that you called her back
22 after receiving this letter?

23 A. No, I never called her. I don't even
24 know -- the last time I went to AK Steel was for

1 the first interview. And after that, never heard
2 anything, unless it was due to this hearing.

3 Q. Have you ever called back anyone at AK
4 Steel?

5 A. No.

6 Q. Have you ever called AK Steel for any
7 reason, since you applied in July 2000?

8 A. No, I didn't have any information.

9 Q. Was there anyone else living at your
10 address at the time, September 2002?

11 A. Other than my wife, no.

12 Q. Your wife was living there then?

13 A. Yes.

14 Q. Any reason she would have taken this
15 letter and thrown it out?

16 A. No.

17 Q. Would she have called Jessica Hicks
18 back?

19 A. No, she wouldn't.

20 Q. Could anyone else have intercepted
21 this letter and called Jessica Hicks back
22 pretending to be you?

23 A. That's a possibility, but I -- not in
24 the house, no.

1 Q. Who do you think could have
2 intercepted --

3 A. I mean, anything is possible, but I
4 don't -- yeah, not wholeheartedly, no. I wouldn't
5 believe somebody would do that, no.

6 Q. Did you call Jessica Hicks on
7 September 16 or 17th of 2002 and scheduled a
8 follow-up interview on -- for 4 p.m.?

9 A. No, not that I remember, no.

10 Q. You'd never scheduled an interview for
11 September 24th, 2002?

12 A. Is this the first or the second?

13 Q. This is the second.

14 A. No.

15 Q. Did you ever call back and cancel an
16 interview with Jessica Hicks?

17 A. No.

18 Q. Where were you working in 2002?

19 A. Had to be Malachi.

20 Q. What were your hours there?

21 A. Eight to five, eight to six.

22 Q. And your phone number during this time
23 was 422-9766?

24 A. No. That's 612 Fourteenth.

1 Q. I'm sorry?

2 A. No. It was 422-7544. The 9766 is the
3 phone number for 612 Fourteenth.

4 Q. You're right, yep. Is -- 422-7544 was
5 your phone number in 2002?

6 A. Mm-hmm.

7 Q. Okay. Did you have an answering
8 machine?

9 A. No.

10 Q. Did you have a voice mail system?

11 A. Yes.

12 Q. Okay. Did you ever have any problems
13 with your voice mail system where you were unable
14 to retrieve messages?

15 A. Na-huh.

16 Q. You never heard a message from Jessica
17 Hicks on that voice mail system?

18 A. No.

19 Q. Did you have parent-teacher
20 conferences around Septmeber, end of September in
21 2002?

22 A. 2002? No, it was more home visits
23 that we did.

24 Q. Okay. When did you -- would you

1 have -- have you ever had a week of parent-teacher
2 conferences?

3 A. At Malachi?

4 Q. Any time, any places.

5 A. Yes.

6 Q. And what places were those?

7 A. I -- Trotwood Prep and Horizon
8 Science.

9 Q. Where those scheduled in September?

10 A. After the first nine weeks of school
11 is usually when they happen.

12 Q. Did you ever have like a
13 meet-the-teacher night?

14 A. Yes.

15 Q. In 2002, weren't you working at
16 Trotwood Prep by that time?

17 A. Mm-hmm. I believe so, yes.

18 Q. So you would not have been at Malachi,
19 you would have been at Trotwood Prep in 2002?

20 A. 2002, yes, I believe so, yes.

21 Q. And what was your hours at Trotwood
22 Prep?

23 A. 7:30 to four.

24 Q. Okay. And did you have parent-teacher

1 conferences or meet-the-teacher night at Trotwood
2 Prep that would have occurred in September?

3 A. Unless they came in for a specific
4 academic or behavior problems, it wasn't
5 school-wide schedules. May have been just an
6 individual parent come in to talk about things.

7 Q. Do you keep a calendar?

8 A. No.

9 Q. No? An appointment calendar or
10 anything like that?

11 A. No.

12 Q. Do you keep anything on your computer
13 that would keep your calendar?

14 A. No.

15 Q. Would Trotwood Prep have a school
16 calendar?

17 A. Yes.

18 Q. Was there somewhere that you would
19 report when you were meeting with parents?

20 A. Yes, either the room or the office.

21 Q. Okay. Have you talked with your wife
22 about your claims against AK Steel?

23 A. About not hiring, yes.

24 Q. Have you talked to her about the

1 application process?

2 A. No.

3 Q. Not at all?

4 A. No, except maybe to complain about it,
5 about why. There is nothing --

6 Q. Were you married to her when you
7 applied?

8 A. From 2000 on, yes.

9 Q. What date did you marry her?

10 A. May 15th.

11 Q. 2000?

12 A. Yes.

13 Q. Does your wife ever intercept voice
14 mail messages and not tell you about them?

15 A. No.

16 Q. Does she get home before you?

17 A. Sometimes, yes.

18 Q. Do you know why you were not hired by
19 AK Steel?

20 A. No.

21 Q. Did anyone at AK Steel ever say
22 anything to you about your application?

23 A. No.

24 Q. Did you talk to anyone at AK Steel

1 about your application, other than the person you
2 interviewed with?

3 A. Yes.

4 Q. Who?

5 A. I talked with a friend, Aaron.

6 Q. Who is he?

7 A. He works there, just life friend.

8 Q. What race is he?

9 A. African-American.

10 Q. What do you talk to him about?

11 A. What do I need to do or what's taking
12 so long.

13 Q. What has he said?

14 A. He said he didn't know.

15 Q. What's his last name?

16 A. Burgess. He felt lucky to be in there
17 himself.

18 Q. When did he tell you that? When did
19 he tell you that?

20 A. That he felt lucky? From just the --
21 he came in from the service. So to see us go
22 through the problems, he's like, man. I must have
23 got in at the right time. But he didn't know any
24 information to help us out.

1 Q. He applied through a temp service?

2 A. I don't know when he applied or how he
3 applied.

4 Q. What do you mean by "service"?

5 A. The Army.

6 Q. Okay. So how did he -- did the Army
7 help him get in?

8 A. I don't know.

9 Q. Okay. But he did get hired there?

10 A. Yes.

11 Q. And he's worked there for several
12 years?

13 A. Yes.

14 Q. And you've never called anyone at AK
15 Steel?

16 A. No.

17 Q. Have you ever called anyone about an
18 interview in the plant and called to cancel it
19 because of parent-teacher conferences?

20 A. No.

21 Q. Did anyone at AK Steel ever say
22 anything to you about your race?

23 A. No.

24 Q. Did anyone at AK Steel ever say

1 anything to you about your race?

2 A. No.

3 Q. Did anyone at AK Steel ever say
4 anything that you thought was offensive or hostile
5 or discriminatory?

6 A. No.

7 Q. Did you ever hear from anyone else
8 that anyone at AK Steel ever said anything that was
9 hostile, offensive or discriminatory?

10 A. No.

11 Q. What reason do you have to believe
12 that you were discriminated against because of your
13 race?

14 MS. DONAHUE: Object to the form.
15 Calls for a legal conclusion. You can answer.

16 A. Because everybody I know that was
17 black never got hired in my age bracket.

18 Q. What's your age bracket?

19 A. Well, now I've moved up, 35 to 40.

20 Q. And how old is Aaron?

21 A. 36.

22 Q. And he's your age?

23 A. That was it when he -- I came home
24 from college, he told me -- I said, wow. And after

1 that, that's it.

2 Q. How old is your cousin?

3 A. 49.

4 Q. Okay.

5 A. In Middletown, it's -- you know, you
6 get hired at AK, it's a known fact, it's kind of
7 like a parade.

8 Q. What's a known fact?

9 A. When -- when somebody black gets hired
10 at AK, it's kind of a big deal.

11 Q. Why?

12 A. 'Cause there's just not too many of us
13 there.

14 Q. That's a big deal among the black
15 community, you're saying?

16 A. Probably, yes.

17 Q. Is it just the black community that
18 has these beliefs?

19 A. To my knowledge, yes.

20 Q. Anything else, other than this general
21 belief?

22 A. I have a -- other people that I've
23 gone to school with that are white, got a job there
24 right out of high school.

1 Q. And who are they?

2 A. I don't know. Well, I only know their
3 first name.

4 Q. What are their first names?

5 A. James and Scott.

6 Q. James and Scott? You don't know their
7 last names?

8 A. Scott Fannin.

9 Q. Fannin?

10 A. Yeah.

11 Q. F-A-N-N-I-N-G?

12 A. No, no "G."

13 Q. F-A-N --

14 A. -- N-I-N.

15 Q. When did he get hired?

16 A. Right out of high school, so it had to
17 have been approximately '89, '90.

18 Q. Do you know what his qualifications
19 were?

20 A. No.

21 Q. What about James, when did he get
22 hired?

23 A. I don't know. He's younger than me,
24 but --

1 Q. Did he get hired in 2001?

2 A. I don't know.

3 Q. Did he get hired in 2000?

4 A. Probably early nineties.

5 Q. Okay. Do you know anyone who was
6 hired in 2000 or 2001?

7 A. No, I don't.

8 Q. I think you testified earlier you
9 don't know whether AK Steel had a hiring freeze or
10 not; is that right?

11 A. Right.

12 Q. Have you ever heard about any hiring
13 freezes that AK Steel has had?

14 A. No.

15 Q. Do you know whether AK Steel was
16 hiring when you went and interviewed with them?

17 A. They said they were, yes. It was
18 another we need 150 people. All applicants apply.

19 Q. Is that before you applied that you
20 saw that?

21 A. Yes.

22 Q. Have you seen anything after that, you
23 applied, saying that?

24 A. Oh, no.

1 Q. Okay. And this was the last time you
2 applied, correct?

3 A. Yes.

4 Q. The time you got interviewed
5 afterwards?

6 A. Yes.

7 Q. You've been handed what's been marked
8 as Exhibit Number 4. Did you file this charge with
9 the EEOC?

10 A. Yes.

11 Q. You list your phone number as
12 422-9766. Is that the number you told me was at
13 your mother's house?

14 A. Yes, that's the one they -- I knew
15 they could get ahold of at any time. At the time
16 I --

17 Q. Why didn't you list your home number
18 at Lopane?

19 A. Because we -- we were getting ready to
20 move. We knew that we had gotten notification from
21 the people that we weren't going to be in that
22 house too much longer, so --

23 Q. Let me back up. You filed this charge
24 in January 2000, correct?

1 A. The original?

2 Q. The one --

3 A. Well, we --

4 Q. -- you're looking at, Exhibit 4.

5 A. That's when I signed it. We -- I
6 believe we weren't with the same people.

7 Q. You mean same attorneys?

8 A. Yes.

9 Q. Who's "we"?

10 A. The people that I knew that were in
11 the class.

12 Q. And who are they?

13 A. Donald Edwards and Ron Sloan are two
14 of the people I know that -- everybody else, I
15 think I met them when I come here.

16 Q. How do you know Donald Edwards?

17 A. Just from living in Middletown.

18 Q. How do you know Ronald Sloan?

19 A. Middletown, living in Middletown.

20 Q. Did you know Allen Roberts?

21 A. Yes, I know him, yes.

22 Q. How do you know him?

23 A. Living in Middletown, yes.

24 Q. How did you get together with this

1 group?

2 A. It was an original meeting in
3 Middletown, asking if you felt you've been
4 discriminated or done wrong by AK Steel.

5 Q. When was that?

6 A. I don't remember.

7 Q. Was it before -- was it before you
8 filed this charge?

9 A. Yes.

10 Q. Okay. "This charge" being Exhibit 4;
11 is that correct? Exhibit 4, before you filed
12 Exhibit 4?

13 MS. DONAHUE: This is Exhibit 4.

14 A. Did we meet before we filed --

15 Q. Yes.

16 A. -- yes.

17 Q. Was it before you applied in July
18 2000?

19 A. Yes, this was, yes.

20 Q. Was the meeting before July --

21 A. Yeah, the original meeting when we --

22 Q. Mm-hmm.

23 A. Yes.

24 Q. What was said at that meeting?

1 MS. DONAHUE: Just a second. If this
2 is a meeting with your attorneys or a meeting held
3 at your attorney's request, then I instruct you not
4 to answer. Otherwise you can answer.

5 Q. Who called you to this meeting?

6 A. It was a word-of-mouth flyer.

7 Q. Word-of-mouth flyer? So it was a
8 written flyer? Was it a written flyer?

9 A. Yes. Well, this is where the meeting
10 was going to be for people who felt they've been
11 wronged by AK.

12 Q. Who led the meeting?

13 A. It was just --

14 MS. DONAHUE: Just a second.

15 MS. PRYOR: I can ask who led the
16 meeting.

17 Q. Who led the meeting?

18 MS. DONAHUE: That's true.

19 A. We did.

20 Q. Who's "we"?

21 A. I mean, the people there. It was -- I
22 don't think it was any legal representation there.

23 Q. Okay.

24 A. I think it's --

1 Q. Was Allen Roberts leading the meeting?

2 A. He was there.

3 Q. But he was not leading the meeting?

4 A. No, not really.

5 Q. Was there anyone in particular who was
6 leading the meeting?

7 A. No.

8 Q. Were you leading the meeting?

9 A. Oh, no.

10 Q. What was said at the meeting?

11 A. Just basically stories of what has
12 happened to people.

13 Q. Well, what were the stories? Do you
14 remember any of them?

15 A. Loss of job for not filling out a job
16 ticket; no call back; loss of job for going around
17 a guard's gate. And then the majority was fill out
18 application and never heard from them or take a
19 test and never heard from them again.

20 Q. Okay.

21 A. And that was kind of it.

22 Q. And what was decided at that meeting?

23 A. We were trying to make a decision, I
24 believe, if we had enough people that were willing

1 to move forward with this.

2 Q. And did you guys come to a decision on
3 that?

4 A. Well, yes. Obviously we decided to --
5 to move forward.

6 Q. What was the next step after that
7 meeting?

8 A. I don't remember. We met with a
9 attorney group, talked to them about what had
10 happened, interviews. And I guess it was their
11 expertise to say, yes, it looks like we have a --

12 MS. DONAHUE: Anything that these
13 attorneys told you is confidential and I just want
14 to instruct you not to answer anything about the
15 content of your meeting with your attorneys.

16 Q. Did you decide at the time not to go
17 forward with that group of attorneys?

18 A. Who, me?

19 MS. DONAHUE: I'm instructing you --

20 Q. I'm not asking what his attorneys
21 said. I'm saying did you decide not to go forward
22 with that group of attorneys?

23 A. No, I didn't.

24 Q. Okay. At some point, did the group

1 decide not to go forward with that set of
2 attorneys, to your knowledge?

3 A. Yes.

4 Q. That was not your decision?

5 A. No. We all agreed, but it was --

6 Q. Do you know why they decided not to go
7 forward with that group?

8 A. Trying to think of a better word
9 than -- no tenacity.

10 Q. The attorneys did not have tenacity?

11 A. And they didn't communicate with us
12 very well.

13 MS. DONAHUE: Okay. Nothing about
14 the -- what the attorneys said or what the content
15 was or --

16 MS. PRYOR: He's not giving content.
17 He's telling why he decided not to go with them.

18 MS. DONAHUE: Yeah, I know, but we're
19 getting close, so I just wanted to offer that
20 reminder.

21 Q. Exhibit Number 4, you complain about
22 submitting an application in August '99 and never
23 hearing back; is that correct?

24 A. Yes.

1 Q. On Exhibit Number 1, you did not list
2 August '99 as the time when you applied. Why is
3 that?

4 A. Probably at the time I didn't remember
5 because it -- it was an annual thing for me.

6 Q. Okay. I guess I'm a little confused.
7 You filed this charge. I assume you felt strongly
8 enough about the fact that you weren't hired in
9 August '99 --

10 A. Mm-hmm.

11 Q. -- that you filed a charge, correct?

12 A. Yes. I believe that was my last
13 application that I submitted. That's that -- at
14 the time when I put it down, I said, well, it's
15 probably around --

16 Q. Okay.

17 A. -- because it was -- I know I --

18 Q. And this was in January 2000 when you
19 wrote this charge, correct?

20 A. Yes.

21 Q. And six months later in July 2000, you
22 don't remember that you filed a charge -- you
23 filed -- you submitted an application in August
24 1999?

1 A. I didn't fill out -- when I filled
2 this out, it wasn't July yet.

3 Q. I understand that. What I'm trying to
4 figure out is why you would forget about August
5 1999?

6 A. Because it was in between -- it was
7 right after -- there was a lot of applications I
8 filled out. But I -- yeah, I just didn't remember
9 them.

10 Q. But August is the one you've had a
11 charge pending now when you applied in July?

12 A. Yeah, I understand.

13 Q. You did not list that one.

14 A. Just my slip of mind.

15 Q. Interesting.

16 A. Yeah.

17 Q. You've been handed what's been marked
18 as Exhibit 5. Is this another charge that you
19 filed with the EEOC?

20 A. Yes, it is.

21 Q. Let me back up. The -- are you
22 claiming today that you did apply in August 1999?
23 Is that your testimony today?

24 A. I'm not for sure if I did or not --

1 Q. Okay.

2 A. -- but I --

3 Q. All of your applications to AK Steel,
4 you submitted to -- and I may have asked this
5 already and I apologize if I did. You submitted to
6 either the bureau -- at one of its locations?

7 A. Mm-hmm.

8 MS. DONAHUE: Mischaracterizes his
9 testimony. You say you submitted --

10 MS. PRYOR: He just admitted he did,
11 okay?

12 MS. DONAHUE: No, but he didn't --
13 that doesn't -- that's not what you said earlier.
14 Didn't you say --

15 MS. PRYOR: Let him testify and if --
16 you know, the record will speak for itself.

17 Q. Did you submit all your applications
18 to the bureau in one location or another?

19 A. From the very beginning since --

20 Q. Mm-hmm.

21 A. -- since '90?

22 Q. Mm-hmm.

23 A. No.

24 Q. Okay. Where else did you submit your

1 applications?

2 A. Back to the people that would give it
3 to me.

4 Q. And who was that?

5 A. The -- the relatives.

6 Q. Do you know whether that was a proper
7 way to submit applications?

8 A. No, I don't.

9 Q. Okay. Do you know what years were
10 those that you submitted them to relatives?

11 A. Probably up until '92.

12 Q. Okay. And so since '92, any
13 application that you made to AK Steel, you
14 submitted to the bureau?

15 A. Wherever I picked it up, yes.

16 Q. And was that always a bureau location?

17 A. Twice it was, yes.

18 Q. What were the other locations?

19 A. I believe once I tried the internet,
20 but I don't know if that -- that's just --

21 Q. Tried what on the internet?

22 A. Too, I tried to fill it out through
23 the internet, like if you are interested. But it
24 wasn't any legal information other than name, if

1 you're interested. But other than that, the
2 Middletown bureau and the Fairfield bureau.

3 Q. What website were you applying on the
4 internet?

5 A. I just typed in AK Steel.

6 Q. Was there an application there?

7 A. No.

8 Q. So what were you --

9 A. Like interested jobs, are you
10 interested.

11 Q. Do you know who that information even
12 went to?

13 A. No.

14 Q. Are you considering that an
15 application when you say you've applied somewhere?

16 A. No. There was no information given.

17 Q. Okay. So all the applications that
18 you submitted since 1991, you submitted at a
19 bureau; is that correct?

20 A. Yes.

21 Q. And each time you didn't talk to
22 anyone other than you got an application, and then
23 handing them back, the written application?

24 A. Yes.

1 Q. And each time, other than the July
2 2000 application, you did not receive any word back
3 from AK Steel?

4 A. Correct.

5 Q. And each time, do you know whether any
6 of those other applications ever made it to AK
7 Steel?

8 MS. DONAHUE: Excuse me. That's
9 vague. Clarify which application you're talking
10 about.

11 Q. Any of the applications prior to July
12 2000, do you know whether any of those made it to
13 AK Steel?

14 A. No, I don't.

15 Q. I am looking at Exhibit Number 5. Did
16 you type this or did someone else type it for you?

17 A. Someone else.

18 Q. Do you know who that -- it is?

19 A. No.

20 Q. You don't know who typed it?

21 A. No.

22 Q. Did you review it?

23 MS. DONAHUE: Look through --

24 Q. Did you review the information?

1 MS. DONAHUE: -- the document before
2 you answer questions about it. Look at the whole
3 document. There's more pages.

4 A. Okay. What was your question?

5 Q. Have you looked through the document?

6 A. Yes.

7 Q. Is that your signature on the last
8 page?

9 A. Yes.

10 Q. Is that your signature on the first
11 page?

12 A. Yes.

13 Q. And it looks like you signed this on
14 June 19th, 2002?

15 A. Mm-hmm.

16 Q. My question was, did someone else type
17 this for you? I think you answered "yes." Is that
18 correct?

19 A. Well, I didn't type it is what I said.

20 Q. Okay. That's fine. Do you know who
21 did type it?

22 A. No, I do not.

23 Q. Did you review it before you signed
24 it?

1 A. Yes, I looked over my -- the claim
2 part.

3 Q. And what do you call "the claim part"?

4 A. I mean, whether -- page 1.

5 Q. You looked over page 1?

6 A. Yeah.

7 Q. Did you look over page 2?

8 A. Yes.

9 Q. And on page 1, it's actually the
10 second page of this exhibit, but it's marked page 1
11 up at the top.

12 A. Okay.

13 Q. Says that you applied in approximately
14 September 2001. And you now understand that that
15 was actually July 2000?

16 A. I did apply in July 2000.

17 Q. Okay.

18 A. I may have applied again in September,
19 too.

20 Q. Okay. Let me ask you this. Were you
21 ever called to take a test? Were you called to
22 take a test more than once?

23 A. No.

24 Q. You were only called one time to take

1 a test?

2 A. Yes.

3 Q. Okay. So if you took a test in 2000
4 and you did not apply again after that, the time
5 you took a test, did you ever apply after that
6 time?

7 A. I don't recall if I did because it --
8 again, I -- it was such a routine. It was almost
9 like a -- I can't say. It wasn't that bad, but
10 once a month or whenever I thought about it, let me
11 go fill out for AK.

12 Q. Okay. Earlier I asked you if the July
13 2000 --

14 A. Right.

15 Q. -- was your last application and you
16 said yes.

17 A. Yes.

18 Q. Is that not true or is that true?

19 A. Yes, it was true.

20 Q. Okay. So July 2000 was your last
21 application. Here you just mixed up the dates; is
22 that correct?

23 A. Yeah, whoever typed it, may have --

24 Q. Okay. But it should say "July 2000"?

1 A. Yes.

2 Q. Okay. And at the interview, you said
3 that you would prefer to work in management; is
4 that correct?

5 A. If it was available. The conversation
6 was they have labor and management. You needed to
7 agree to be management and I said, well, I would
8 like to apply for both.

9 Q. And in this square, you say that
10 you've worked approximately five years as a
11 fourth-hand paper maker at a paper mill. Again,
12 you're counting a year if you worked any part of
13 that year; you're counting a summer as a year?

14 A. Yes.

15 Q. So it's not five full years that you
16 worked. In fact, it's closer to two years?

17 A. Or when you add up the months --

18 Q. Yeah. Is that correct?

19 A. Yeah, it wouldn't be five full years,
20 right.

21 Q. Have you talked to anyone at AK Steel
22 since 2000?

23 A. About -- just talk to them?

24 Q. About the job application --

1 A. No.

2 Q. -- being hired. And you still do not
3 recall receiving a call from Jessica Hicks to come
4 in for a second interview --

5 A. Yes, that's true.

6 Q. -- a year later?

7 A. That's true, yeah. I don't remember.

8 Q. And you don't recall receiving that
9 letter that was addressed to you at your address?

10 A. Yes, that's correct.

11 Q. Let me just clarify this Lopane
12 Avenue. Earlier we were talking -- if you look at
13 Exhibit 4.

14 A. Mm-hmm.

15 Q. Remind me again. I apologize if I've
16 already asked this. The phone number you have on
17 Exhibit 4 is your mother's phone number?

18 A. Yes.

19 Q. And why did you list your mother's
20 phone number?

21 A. Because we were in the middle of --
22 well, quite frankly, it was the house and the
23 marriage. So I knew that they would get that
24 number 'cause they would say, well, your phone

1 might get cut off and you may have to move within
2 the next week or so.

3 Q. And how long after that did you have
4 to move?

5 A. I don't remember. Maybe a month,
6 month and a half.

7 Q. So you're saying you left Lopane
8 Avenue in 2000?

9 A. I don't know -- remember. I would
10 have to ask my wife. She remembers that.

11 Q. You don't know when you left Lopane
12 Avenue?

13 A. No.

14 Q. Earlier when you told me, you were
15 there till 2004; you do not think that's correct?

16 A. Oh, the year. Yes, I thought you
17 meant the exact month.

18 Q. I --

19 A. Yes, 2004.

20 Q. So in 2000, why were you worried about
21 not being at Lopane Avenue, and yet you left this
22 phone number at Lopane?

23 A. Because we had to keep refinancing.
24 It -- it was a money pit and we refinanced. Well,

1 you can't pay it. This is in limbo, refinance. So
2 we had phone cut off to try to save money and stop
3 doing a couple other things. So any time we wanted
4 to get ahold of -- it was either cell phone or my
5 mom's house.

6 Q. Okay. So if you thought it was
7 important for somebody to get ahold of you, you
8 used your mom's phone number or your cell phone; is
9 that correct?

10 A. Mm-hmm.

11 Q. Okay. Then why on Exhibit 1 did you
12 list your home phone number at Lopane Avenue? Was
13 it not important for AK Steel to get ahold of you?

14 A. At the time, it was probably second
15 nature just to put 422-7544 'cause that's where I
16 was, it was my house.

17 Q. But it wasn't on Exhibit 4?

18 A. Yeah, but just confidence of -- you
19 know, this is where I'm going to be for the next
20 couple of months or this phone is going to be
21 working, to make sure I get a -- 'cause, I mean, I
22 looked forward to the call. I thought I actually
23 had a shot after my first interview.

24 Q. So I guess I'm still confused. So the

1 Lopane address, the phone number was a better phone
2 number to reach you at?

3 A. When I first filled out --

4 Q. Yeah.

5 A. Yes, but then after the second
6 interview and after two months of waiting, all our
7 issues happened. I said, well, if they want to
8 call me and make sure they're going to call me
9 because we were going back and forth and spending a
10 night here and there.

11 Q. Did you ever give AK Steel another
12 phone number to call you at?

13 A. No.

14 Q. Okay. And --

15 A. I've only talked to them once.

16 Q. And the EEOC, who you did want them to
17 contact you, you gave them your mom's phone
18 number --

19 A. Yes.

20 Q. -- in the same year that you made an
21 application to AK Steel, correct?

22 A. Mm-hmm.

23 Q. Okay. Was there ever a time before
24 2004 that you were not living at Lopane or you were

1 in and out or there were problems staying at
2 Lopane?

3 A. Not for a long period of time. I
4 think we had a month with a flooded basement.

5 Q. When was that?

6 A. In 2003.

7 Q. What month?

8 A. Oh, I can't remember.

9 Q. How do you know it was in 2003?

10 A. Because it was the last thing we fixed
11 in the house and it was the plumbing and that's --
12 that's how I remember.

13 Q. Do you have any records from this, the
14 issues you had with Lopane Avenue?

15 A. Just recently the information that the
16 FBI sent back to me.

17 Q. And what is that?

18 A. Just a -- they got charged with fraud.

19 Q. And you did live there four years?

20 A. Three to four, yes.

21 Q. And that's roughly 2000 to 2004?

22 A. Yeah.

23 Q. When did you move in there?

24 A. Three months -- well, October.

1 Q. October of what year?

2 A. Right after I got married.

3 Q. So you didn't move into there until
4 October of 2000?

5 A. Yeah --

6 Q. Why is it listed?

7 A. -- '99.

8 Q. Which year?

9 A. I'll ask the wife. I don't know for
10 sure.

11 Q. Okay. Could have been '99?

12 A. But I know it's October with the --
13 the month, yes.

14 Q. Okay. And you were living there in
15 2002?

16 A. Yes.

17 Q. And that was your phone number in
18 2002, 7544?

19 A. 422-7 -- yes.

20 Q. And you did not submit an application
21 in March 2002, did you?

22 A. No that I -- I believe, no.

23 Q. Have you ever gone to a psychologist
24 or a counselor?

1 A. No.

2 Q. Ever gone to a therapist?

3 A. No.

4 Q. Ever been prescribed any medication
5 for depression --

6 A. No.

7 Q. -- nerves, emotions?

8 A. No.

9 Q. Did you apply at Miller Brewery since
10 2001?

11 A. Yes.

12 Q. When did you apply there?

13 A. When I stopped working there after the
14 six months, I had to wait a year to apply again and
15 that was the first time I applied.

16 Q. Do you know when that was?

17 A. I don't have it on here. I don't have
18 it on here. No.

19 Q. Why didn't you list Miller Brewery on
20 your application to AK Steel?

21 A. On this?

22 Q. On either Exhibit 1 or Exhibit --

23 A. Because of --

24 Q. -- 2?

1 A. On this one, I might not have been
2 there yet. And on the others --

3 Q. I thought you worked there after
4 Fraser Paper. Am I wrong?

5 A. Yes. No, you're not wrong.

6 Q. Worked there right after Fraser Paper?

7 A. A little bit and it wasn't -- it was a
8 six-month temp with no benefits. I didn't think of
9 it as a full-time job.

10 Q. When you worked there the six months,
11 did you work there every day?

12 A. Yes.

13 Q. 40 hour weeks?

14 A. Sometimes, yes.

15 Q. And you worked there before you worked
16 at Malachi?

17 A. Yes. We were almost like subs there.
18 You know, if they didn't need us in this department
19 for this week or this day, you might not have been
20 there that day. But we were on call for those six
21 months, but we were for the majority of the time.

22 Q. You don't know when you applied there
23 again?

24 A. No.

1 Q. Have you only applied there once since
2 then?

3 A. It's mostly resume. You don't
4 actually fill out applications. Just drop a resume
5 off at the guard gate.

6 Q. Have you only submitted a resume to
7 Miller Brewery once since 2001?

8 A. No.

9 Q. How many times have you submitted a
10 resume?

11 A. Three times.

12 Q. When was the last time you submitted a
13 resume there?

14 A. I don't remember.

15 Q. Have you applied anywhere else since
16 2001?

17 A. No.

18 Q. Why do you list Allen Roberts as a
19 witness?

20 A. A witness to?

21 Q. As someone who can support your
22 allegations or has information about your
23 allegations.

24 A. Because he was the person that kind of

1 put the information out, so --

2 Q. What do you mean, "put the information
3 out"?

4 A. About the -- if -- he made us aware
5 that AK may have been doing a group of people
6 wrong.

7 Q. How did he make you aware of that?

8 A. With the meeting we had at the --

9 Q. So he's the one that brought that to
10 your attention?

11 A. Yes.

12 Q. What else does he know?

13 A. I guess -- about me and the case?

14 Q. About you and your application and why
15 you were not hired.

16 A. Oh, no, he doesn't know that. He
17 knows I submitted one, but I don't -- that's about
18 it.

19 Q. What about Ronald Sloan, what does he
20 know?

21 A. That I submitted an application and
22 took a test.

23 Q. What else have you told him?

24 A. That -- that they should be calling us

1 for a deposition.

2 Q. Did he tell you about his deposition?

3 A. No.

4 Q. Who's Donald Anderson?

5 A. No, it was Donald Edwards.

6 Q. Donald Edwards?

7 A. Yes.

8 Q. Why does it say "Donald Anderson"?

9 A. Did I put "Anderson"? I'm sorry.

10 Q. Is there someone named Donald Anderson
11 that you know?

12 A. Yes.

13 Q. Who is that?

14 A. He got -- childhood friend I played
15 baseball with. That was Donald Edwards.

16 Q. What does Donald Edwards know?

17 A. He just knows that we know each other,
18 that we're involved in the same thing. That's
19 about it.

20 Q. What is Edvantages?

21 A. That was Trotwood Prep's board.

22 Q. Okay. What is Middletown Adolescent?

23 A. That's Malachi.

24 Q. Malachi?

1 A. (Witness nodded.)

2 Q. You've been handed what's been marked
3 as Exhibit 6. Are those all of your W-2's from the
4 years 1999 through 2006?

5 A. The ones that I could retrieve, yes.

6 Q. Are there others that are missing?
7 Looks like we're missing 2002 through 2004. Do you
8 have those W-2's somewhere?

9 A. They -- same people they came from, I
10 don't know why they didn't send Edvantages, didn't
11 send that. I was working for them at the time.

12 Q. Where did you get these W-2's from?

13 A. From Malachi and Edvantages.

14 Q. You did not have these W-2's at home?

15 A. No, not all of them, no.

16 Q. Do you have your tax returns?

17 A. This year's?

18 Q. From 2001 through the current.

19 A. No, not all.

20 Q. Where are they? Where are your tax
21 returns?

22 A. I don't know.

23 Q. Do you not keep them?

24 A. Yes, but not organized, and then I've

1 moved twice, so --

2 Q. You've moved twice. Where -- where
3 have you moved twice?

4 A. From Lopane to Belmont; Belmont to
5 Fourteenth.

6 Q. When did you live at Belmont?

7 A. Right after Lopane.

8 Q. How long did you live there?

9 A. A year.

10 Q. That would have been what, 2004 to
11 what, 2005?

12 A. No. In between -- right after I left
13 Lopane and the majority of 2004, yeah.

14 Q. What month did you leave Lopane?

15 A. January.

16 Q. Of 2004?

17 A. No.

18 Q. What year did you --

19 A. Five.

20 Q. Of 2005?

21 A. (Witness nodded.)

22 Q. I apologize. I may have asked you
23 this already. Is there anyone else who knows
24 anything about your applications at AK Steel?

1 A. That I filled them out?

2 Q. Yeah.

3 A. No.

4 Q. Is there anyone else who knows why you
5 weren't hired at AK Steel?

6 A. No.

7 Q. Is there anyone else that has
8 knowledge with respect to any aspect of your claim?

9 A. Not other than Ron Sloan, the people I
10 mentioned 'cause we -- you know, don't talk about
11 it.

12 Q. And the people that you mentioned,
13 they know it only 'cause of what you told them?

14 A. Because they are involved in the case
15 also.

16 Q. Do they know anything about your
17 individual claim?

18 A. No. The -- it was January 2007.

19 Q. When?

20 A. When I left Lopane -- Belmont.

21 Q. Okay. So you lived there from January
22 2005 to January 2007?

23 A. Yes. It had just turned the new year
24 'cause my son had been born. We left a month after

1 he was born.

2 Q. Did you move in there around January
3 2005?

4 A. I -- closer to March, February, March.

5 Q. Of 2005?

6 A. Yes.

7 Q. Again, I may have asked you this
8 already and I apologize if I did.

9 A. No problem.

10 Q. Did you make any notes at any time
11 about AK Steel, take notes?

12 A. No.

13 Q. Jot down dates?

14 A. On --

15 Q. About AK Steel, about your
16 applications?

17 A. No.

18 Q. Did you ever receive any written
19 communications from AK Steel?

20 A. No.

21 Q. Did you ever provide any written
22 communications to AK Steel, other than your
23 applications?

24 A. No.

1 Q. Any other documents that would reflect
2 on your applications or your claims in this matter?

3 A. No.

4 Q. Have you ever talked to the other
5 plaintiffs other than what you've already described
6 to me before, outside the presence of counsel?

7 A. No, not about this. Football, maybe,
8 Ron Sloan and I.

9 Q. Are you and Ron Sloan close friends?

10 A. Well, yeah. He kind of mentored me.
11 He's a few years older than me. So, yeah, the
12 catch and the baseball things, sort of. Not best
13 of friends, but, yeah, good associates.

14 Q. Did you hang out, go out?

15 A. No. I'm not close enough to his age.

16 Q. Have you ever received any written
17 communications from any of the other plaintiffs --

18 A. No.

19 Q. -- that was not a --

20 MS. PRYOR: Take a quick break.

21 MS. DONAHUE: Okay.

22 (Off the record: 1:42 p.m. - 1:52 p.m.)

23 Q. Did you ever have the cell phone
24 number of 267-2973?

1 A. Yeah, that's sounds right. That
2 sounds about right.

3 Q. Did anyone have access to that cell
4 phone other than you?

5 A. No.

6 Q. Was that your work cell phone that you
7 were referring to earlier?

8 A. Yes, work cell phone.

9 Q. Did you ever receive a call on that
10 cell phone from AK Steel?

11 A. No.

12 Q. Who is that cell phone provided
13 through?

14 A. Malachi.

15 Q. Do you know what service it was?

16 A. Verizon.

17 Q. And you're saying that you never
18 received a call from anyone at AK Steel on that
19 number?

20 A. Not that I know of. It was only given
21 out to the -- the kids in the program.

22 Q. You never gave it to AK Steel?

23 A. No.

24 Q. Do you know how AK Steel would have

1 had that number?

2 A. Unless they called the Malachi office.

3 Q. Looking for you?

4 A. That'd be -- yeah, the only way.

5 Q. Did you have that, that cell phone
6 number after you left Malachi?

7 A. No.

8 Q. When did you leave Malachi?

9 A. I think it was -- was it 2000, 2001,
10 somewhere roughly in there.

11 Q. You were still there. You left there
12 in 2000 or 2001?

13 A. Yes. I think I -- probably 2001,
14 closer to 2001.

15 Q. So you would not have had that number
16 in 2002, correct?

17 A. Correct.

18 Q. Would there be any reason for you to
19 give that number to AK Steel in 2002?

20 A. No, not that I know of, not that I can
21 remember.

22 Q. Okay. Who's your home service -- when
23 you were at Lopane, who was that service through,
24 your phone service?

1 A. Whatever Middletown, whoever services
2 Middletown.

3 Q. Do you know who services Middletown?

4 A. No.

5 Q. Do you know who you pay your bills to?

6 A. No. That's the wife's bill. I paid
7 the mortgage; she paid the bills.

8 MS. PRYOR: I think that's all I have
9 for now. Obviously any documents --

10 MS. DONAHUE: No questions.

11 (Deposition concluded at 1:55 p.m.)

12

13

14

Rodrique D. Russell

15

16

17

18

19

20

21

22

23

24

C E R T I F I C A T E

STATE OF OHIO :
:
SS
COUNTY OF HAMILTON :

I, Susan M. Barhorst, a Notary Public in
and for the State of Ohio, duly commissioned and
qualified, do hereby certify that prior to the
giving of this deposition the within-named
RODRIQUE D. RUSSELL was by me first duly sworn to
testify the truth, the whole truth, and nothing but
the truth; that the foregoing pages constitute a
true, correct, and complete transcript of the
testimony of said deponent, which was recorded in
stenotypy by me, and on the 6th day of July 2007
was submitted to counsel for deponent's
signature.

I further certify the within deposition was
duly taken before me at the time and place stated,
pursuant to the Federal Rules of Civil Procedure;
that I am not counsel, attorney, relative or
employee of any of the parties hereto, or their
counsel, or financially or in any way interested in

1 the within action, and that I was at the time of
2 taking said deposition a Notary Public in and for
3 the State of Ohio.

4 IN WITNESS WHEREOF, I have hereunto set my
5 hand and notarial seal at Cincinnati, Ohio, this
6 6th day of July 2007.

7
8
9 Susan M. Barhorst, Notary Public
10 in and for the State of Ohio.
11 My commission expires
12 February 18, 2009
13
14
15
16
17
18
19
20
21
22
23
24